

APPENDIX A.

EXECUTIVE VETOES FILED WITH THE SECRETARY OF STATE AFTER ADJOURNMENT OF THE FIRST CALLED SESSION OF THE THIRTY-FIRST LEGISLATURE.

(It is through the kindness and courtesy of Mr. M. T. Barrett, stenographer to the Governor, that official copies of these documents have been obtained and they are here inserted to make a public record of same and to complete the history of bills.)

SENATE BILL NO. 20.

Executive Office,
State of Texas.

Austin, May 1, 1909.

To the Secretary of State:

I herewith transmit for file in the office of the Secretary of State and without my approval Senate bill No. 20, entitled "An Act to validate sales of real estate in this State heretofore made by foreign executors of wills probated in any of the States of the United States." This bill was passed by the First Called Session of the Thirty-first Legislature, and is disapproved because the bill is not responsive to the caption in the following particulars:

1. The bill provides that "this act shall not validate any sale where a will has been fraudulently probated," which is an exception not mentioned in the caption.

2. The bill contains a provision that "the validation of such sales shall not defeat the rights of creditors of the testators of such wills, nor affect the titles of purchasers for the value from the heirs or devisees of the testators of such wills where such purchases were made prior to the enactment hereof." This is also an exception not mentioned in the caption.

3. The bill contains the further provision that "Where in such will or testament or testamentary instrument of any character, executors or trustees are named with powers conferred upon them sufficient to make them independent executors under the laws of this State, including power to sell real estate, then the filing of the will, as provided in Article 5353 of the Revised Civil Statutes of 1895, shall be sufficient to authorize such executor or trustee to sell any real estate belonging to the estate of said testator and situated in this State, without the ne-

cessity of an ancillary administration in this State." None of these provisions are mentioned or contemplated in the caption of the act, and the last mentioned provision here quoted attempts to authorize executors and trustees under certain circumstances to make future sales of real estate, when the caption relates to the validation of sales already made by foreign executors and does not refer and include sales made by trustees, and, further, the caption does not refer to nor include sales made by trustees.

4. Article 5353 of the Revised Civil Statutes of 1895, among other things, provides that "at any time within four years from the date of the recording of such will in this State the validity of such will may be contested in a proceeding instituted for that purpose, as the original might have been." This bill does not recognize or preserve the rights provided by existing laws to contest the validity of such wills, but seeks to validate all sales embraced by the terms of said Senate bill No. 20, regardless of whether the time fixed by statute for the institution of such contest has or has not elapsed, and is also objectionable on this ground.

T. M. CAMPBELL,
Governor of Texas.